

I. F. Stone's Weekly

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The Time to Save America from Fascism Is Now

The atmosphere here in Washington is ludicrously like that of a tottering banana republic in deadly fear of an imminent Leftist coup. In the murky July heat of the capital, a kind of frenzy has seized on the Administration. It is pushing hard in the closing days of Congress for a repressive program so harsh and extensive that it must amaze the foreign observer.

The House on July 8 passed a bill so draconian it aroused the misgivings of Martin Dies, a bill which widens the definitions of espionage and sabotage, eliminates any statute of limitations in their prosecution, makes death a penalty even in time of peace. On July 13 the Un-American Activities Committee reported to the House a bill already passed by the Senate requiring all "subversive" organizations to register their printing facilities, even their mimeograph machines. So fearful are we become of the printed word.

Under pressure, long buried "immunity" bills to suspend the ancient guaranties of the Fifth Amendment against self-incrimination will be given a public hearing today (July 19) by the House Judiciary Committee. The heat is on to complete the final stages on a wiretap bill.

Somnolent monstrosities now safely bedded in committee may awaken at any time: one of them would set up a postal censorship over "subversive" publications, the other—a pet Eisenhower measure—would deprive of citizenship native born Americans convicted of "conspiring to advocate" radical doctrines. As if in preparation for a man-hunt, the House July 7 passed a bill imposing savage penalties on those who harbor fugitives.

In these measures, and above all in the Brownell bills to blacklist "subversives" from employment and to liquidate or brand "Communist infiltrated" businesses, trade unions and other organizations, there is reflected a strange desperation. It is as if we were on the verge of a terror by frightened men who feel power slipping from their hands.

So serious has the situation become that the sober Brotherhood of Railroad Trainmen warned in the July 12 issue of its newspaper, "Americans had better beware! Legislation is pending before Congress that would make this country over after the pattern of totalitarian regimes, with a government 'labor front' like Hitler's . . ."

A last-minute awakening of the labor movement is taking place. The A.F. of L., the C.I.O. and the United Mine Workers have really gone to work "on the Hill." Walter Reuther and George Meany in a similar appeal to the House Judiciary Committee have succeeded temporarily at least in getting that body to substitute for the Attorney General's two main bills a proposal that the President appoint a bipartisan committee to study the problem of "infiltration."

Those who wish to see the strategy and the target of the Brownell program will find it in a little known document prepared for the Senate Republican Policy Committee early in May a few days before Brownell launched his "security" program. This is called the "Republican Pursuit of American Communists" (Supplement to Vol. II, No. 18 of Senate Majority Memo) but might better be termed the Republican blueprint for the destruction of the Democratic party.

The thesis of this Republican policy committee study is simple. It is that the Republicans won the Congressional election of 1946 and the Presidential election of 1952 on the Communist issue and can win the next election the same way. Like McCarthy, therefore, it says that despite the Eisenhower victory "Communism remains a serious and fundamental issue in 1954," indeed that "it is even more compelling now." It echoes the 20 years of treason theme, and like Joe makes them appear to be 22.

It says that under Roosevelt the entire government "even the armed services" were "infiltrated." It accuses the Truman Administration of setting up "a system of Executive censorship . . . to obstruct the investigation of Communist infiltration." It says every major Congressional step to deal with the problem—it lists Taft-Hartley, the Internal Security Act and the McCarran-Walter Immigration bill—had to be passed over Truman vetoes. This is the perspective in which to read the Brownell bill to liquidate all "Communist infiltrated" organizations. The Democrats themselves are a target.

A minuscule, discredited and spy-riddled Communist party has been made the excuse since 1946 of a deliberate campaign by the U. S. Chamber of Commerce to establish thought control in this country. The Chamber now fears in view of the improving situation abroad and the dissatisfaction at home that—as it said in a recent bulletin—"1954 may well be the last chance." The main prize—the pay-off—is the labor movement. It is "infiltrated" with ex-Socialists and ex-Communists. A bill giving the Attorney General power to liquidate or to brand-by-registration any "infiltrated" trade union could be the end of free trade unionism in this country. This is what Lewis, Reuther, and Meany now realize. And Democratic politicians, craven as they mostly are, are beginning to see that they lose their grass roots sources for a come-back if labor can be hobbled.

We are fighting a delaying action, hoping for the recovery of sanity in this country, and for a recrudescence of courage. The one chance at the moment is to sidetrack the Brownell bills with the proposal for a commission to study the problem. You can help by writing your Senators and your Congressman. Do it now. In this the midsummer of 1954, American liberty may be lost.

How The Lattimore Decision Menaces A Free Press

Washington—"If this indictment had been sustained in the lower court," counsel for Owen Lattimore argued in their brief before the U. S. Circuit Court of Appeals, "it would have cleared the way for a Congressional committee to call any newspaper editor, ask him the character of its contributors, compel him to evaluate the results of their writing on political issues and then subject him to an indictment in which the jury would be permitted to speculate as to the sincerity of such evaluations." Unfortunately that is precisely what the reasoning of both the majority and the minority in the Lattimore case does.

From the standpoint of the fight to clear Lattimore the most important part of the decision was that which upheld District Judge Youngdahl's order invalidating Count 1 of the indictment. Count 1 said Lattimore lied in denying that he had "sympathized" with Communism. The Court held 7 to 1 that this was too vague. "The word 'sympathizer,'" Judge Prettyman ruled for the majority, "is not of sufficiently certain meaning to sustain a charge of perjury."

But in reversing Judge Youngdahl on Counts 3 and 4, the Circuit Court majority made a ruling which casts a fearful shadow over freedom of the press, though of but minor importance in the Lattimore case. For Lattimore, the heart of the case against him is Count 1. The rest may not survive trial.

But the law as laid down by the Circuit Court on Counts 3 and 4 would permit the Jenner committee—the Senate Internal Security Subcommittee—and probably also the House Un-American Activities Committee to subpoena any editor and question him about the political views of his contributors and the articles he has published.

What Were Counts Three and Four?

Count 3 was that Lattimore lied in denying that he knew a certain "Asiaticus" was a Communist when Lattimore published his articles in the late 1930's. Count 4 was that Lattimore lied in denying that, except for contributions by Russians, he had never while editor of "Pacific Affairs" published an article by a man he knew to be a Communist. Judge Youngdahl threw out both these counts as in violation (by their vagueness) of the Sixth amendment and (by their interference with free expression) of the First amendment. The Circuit Court overruled him, splitting 5 to 4.

The implications for freedom of the press were fully grasped by both sides when the case was argued. The government argued that there was a parallel between the Lattimore case and that of *Barsky* and the *Hollywood Ten* (which this same Court of Appeals decided). In the latter, the government urged, "the defendants were writers who moulded public opinion through the motion picture industry while in the instant case the defendant was an important figure in the Institute of Pacific Relations, editor of one of its official publications, 'Pacific Affairs' . . . and in a position to influence public opinion."

The defense tried to distinguish the *Lattimore* case from these two earlier decisions. The defense said that in the earlier cases the Court held that "direct questions on Communist affiliations were tolerable, despite their indirect effect on First amendment freedoms, because the international emergency permitted Congress to conclude that it was indispensable to know who were Communists." Here, the defense said, Lattimore was not accused of being a Communist; "the so-called perjury goes only to the political belief and attitude of a private non-Communist American citizen."

This finely split hair attracted neither the majority nor the minority. Judge Prettyman, who wrote the decision in the *Barsky* case, merely said for the majority in *Lattimore's* that "we cannot at the present juncture rule as a matter of law that it was not material to the study being made by the

Subcommittee to inquire whether contributors to the magazine were or were not Communists."

In other words, the majority said there was nothing in the First Amendment to prevent a Committee of Congress from questioning an editor on the views of his contributors. Whether a specific answer in a specific case constituted perjury, however, would depend on the facts shown at the trial.

The minority opinion splits some hairs on its own, but—as we shall see—does not differ in principle. The minority opinion makes strange reading because it was written by Edgerton, whose dissent in the *Barsky* case is one of the great libertarian landmarks of this period. In that dissent, Edgerton declared ideological inquisition by Congress unconstitutional.

Judge Clark Changes Sides

Judge Edgerton's dissent in the Lattimore case is far less uncompromising, no doubt because one of the judges, Clark, who joined him in that dissent was the same judge who wrote the opinion upholding the conviction of the *Hollywood Ten*. Some way had to be found to reconcile Clark's decision against the *Hollywood Ten* with his dissent on behalf of Lattimore. This was done in two ways. Edgerton held that while the *Hollywood Ten* were asked objective facts—whether they were members of the Communist Party and the Screen Writers Guild—Lattimore was asked about the "mental states" of his contributors. Edgerton also held that "Counts III and IV relate exclusively to the time between 1934 and 1941, before the commencement of the 'potential threats to the security of this country' with which Congress and the courts were concerned in *Barsky* and *Lawson*." The minority challenges the authority of the Senate Internal Security subcommittee to interrogate an editor—but only on the events of the pre-cold war period.

This is a dangerous distinction. It helps Lattimore, but it implies that interrogation of an editor about his current contributions and contributors would be lawful. The minority also argues that "even now" what makes an article "subversive" is not whether the author is a Communist but the "content" of the article. This reasoning clears the way for investigation of articles for "subversive" content even when the authors are admittedly non-Communist.

Rumely Case A Weak Reed

One final observation is in order if we are fully to plumb the repressive tendencies implicit in the Lattimore decision. Lattimore's lawyers cited the *Rumely* case in which Judge Prettyman held (197 F. 2d 166) that a publisher could not be made to disclose the buyers of his books under the Lobbying Act because "the effect of public embarrassment is a powerful interference with the free expression of views." This was the very point Edgerton made, dissenting in the *Barsky* case, against the House Un-American Activities Committee.

But what the Circuit Court was willing to do on behalf of a reactionary turned publisher it may not be willing to do on behalf of a liberal or radical editor. For as Edgerton admits in his Lattimore dissent, "In *Rumely* we distinguished the *Barsky*, *Lawson* (*Hollywood Ten*) and other cases on the grounds that 'Communism and the Communists are, in the current world situation, potential threats to the security of his country' and that Congress could therefore, interfere with freedom of expression in order to inquire into the subject." In the courts, too, anything goes so long as it is garbed as anti-Communism.

If this reasoning is upheld in the Supreme Court, editors may yet run a double gauntlet when they publish views the witch hunters dislike. They can be put into the pillory by a Congressional committee and they may be indicted for perjury on the basis of their replies.

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July 19, 1954

The Scripps-Howard Attack On McCarthy

We Remember Woltman As A 'Red'

We hope a personal note may be forgiven in discussing so major a political portent as the anti-McCarthy series which the Scripps-Howard press began publishing last week . . . Years ago, in the early 30's, we wrote editorials defending Frederick Woltman when he was fired as economics instructor from a college in Pittsburgh as a "Red"—the quotation marks are used because he was never actually a Communist, just another early New Deal radical . . . The series itself is not surprising, since the Scripps-Howard papers have been going after McCarthy editorially . . . But it took considerable courage for Woltman to do that series . . . It is ably written and our hat is off to him for it . . .

Is Joe A Liability?

Is it true, as Woltman asserts in the big headlines, that McCarthy "has become a major liability to the cause of anti-Communism . . . It is true, in a sense . . . In the sense that, in any fundamental conflict, the two extremes tend to support each other . . . It is also true in the sense that McCarthy by his arrogance, brashness and overweening ambition has dramatized the consequences of the witch hunt, its ultimate menace to all that is sane and orderly in our society . . . But by its inner logic, the witch hunt cannot be kept in bounds . . . Sooner or later it was bound to breed a McCarthy, a man ready to exploit it with utter unscrupulousness for his own ends, to defile and defame all that stands on his way to power . . .

No Worse Than Jenner

But is McCarthy any worse than Velde, McCarran, Nixon, Mundt or Jenner? . . . Isn't it just that he is more dramatic? . . . Wasn't Jenner as dirty in his attack on General Marshall . . . Aren't Velde and his colleagues of the House Un-American Activities Committee as ruthless and cruel in dealing with small, helpless and obscure people? . . . Hasn't

McCarthy in many cases merely thrown on the national screen all the unfairness and unreliability of FBI loyalty and security reports? . . . And what of Brownell and his attack on Harry White and the Democrats? . . . What of the G.O.P. Brownell legislative program discussed on page one? . . . McCarthy is a liability in this sense only because he makes it easier for the country to see what's happening, because he destroys the pretense and mummery of legality . . .

Brownell Is Lower Morally

Morally, in our opinion, Eisenhower and Brownell rank lower than McCarthy . . . Eisenhower didn't have the manliness to back his lifelong friend and patron, General Marshall . . . Brownell knows better . . . McCarthy is just an adventurer . . . Don't count him out too soon, though at least one of his Texas oil millionaires is reported to have run out on him . . . But if they knock him out or quiet him down for a while, it will only make the path to Fascism smoother, by disarming an aroused public . . . Anti-Communism is the G.O.P.'s stock in trade, both parties have their quota of paranoids . . . And the big interests who launched the Chamber of Commerce "through control" campaign in 1946 want it to go on . . . Their objective is to prevent a New Deal in this country . . . That, and not McCarthy, is the heart of the hurricane . . .

McCarthy's Advantage

McCarthyism or any new variant cannot be fought so long as people forget that there can be no freedom without risk, no stable society without a modicum of faith, no sane order so long as we propagate the theory that Communists are supernatural beings with occult powers subterraneously engaged in "subverting" our society . . . If that is to be the major premise of American thinking, how answer McCarthy when he says the Republicans, too, are "infiltrated"? . . . If the Communists are that diabolically clever, why shouldn't they mask as Republicans? . . . How answer McCarthy when he says maybe Wechsler was assigned by Moscow to make believe he was an anti-Communist so years later he could more effectively fight McCarthy and J. Edgar Hoover? . . . Once the mad premise is accepted, the rest follows logically . . . Indeed the weirder the charge the more it appeals to a public led to shiver over a diabolic enemy . . . There is no way to keep the United States permanently just a little crazy . . . Either sanity will be restored or the Fascist mentality will take power . . . Freedom as we have know it and "security" as the paranoids preach it are incompatible . . . This is what needs to be driven home . . .

And It's Red Borsht, Too

P.S. As therapeutic as the Woltman series,, perhaps more so, since a little laughter is the best solvent, was the advertisement the Ambassador Hotel Grill put beside it in the *Washington Daily News* last Wednesday . . . "Don't Tell Joe," the ad said, "We Serve the Best Borsht in Town . . ."

Is Paul Crouch A Faithful Reader of The Weekly, Or Was It Our Crystal Ball?

Our issue of July 5 suggested wryly that Brownell might be afraid to act against his professional witness, Paul Crouch, lest this upset the cases in which Crouch has starred for the government. "Who knows," we also wondered, "what Crouch might say about Brownell . . .?"

Either it's that crystal ball we got for Christmas, or Crouch is another of the *Weekly's* growing list of faithful readers. Because four days later the *New York Times* of July 9 reported from Washington that Crouch was asking a Congressional investigation of Brownell and asserting

that any action by Brownell against him "might force the reopening of about sixty hearings and trials in which he had been a principal witness."

Downright clairvoyant our circulation department calls it. So why not give some good friend the benefit of reading so pre-informed a publication by using the blank on the reverse side to give him a gift subscription?

—I. F. STONE.

P.S. In the Brownell-Crouch dispute itself, we are impartial. We believe they both deserve to be investigated.

A Memo for the *New York Times* and the Alsops:

The Darker Side of the Picture — How Informers Are Made

The New York Times in a survey on July 7, the Alsops in their column on July 11, performed a public service in calling attention to the increased use of informers by the government and the moral issues involved. But no one has yet discussed the way informers are made by the government itself. An underworld of official blackmail, trafficking in fear and misery, waits to be exposed.

Last week the curtain was lifted on it a little in Washington where Bernard Horwatt called in newsmen and told his own story. The Department of Justice had just filed a petition in Federal court accusing him of having failed to mention in his 1931 naturalization proceedings that he was a Communist.

That was 23 years ago. Horwatt, now an electrical contractor in Falls Church, Va., faces loss of citizenship and deportation. He told reporters he was first a Socialist and then a Communist in the 30's, leaving the party in 1938.

Horwatt said that he had been questioned by the FBI four times but refused to give the names of others he knew in the Communist party. Then the FBI asked him to rejoin the Communist party and provide them with information. "I'm not the person who can play a two-life personality," Horwatt explained his refusal. "I just couldn't do it." The denaturalization proceeding followed.

The only difference between the Horwatt case and others is that most people caught this way are afraid to talk of it even if they have the nerve to refuse the request that they inform on others. The screws the government can turn are particularly severe because so many of these people are ex-radicals now respectably established.

Many are elderly and ailing, no longer a menace to anything even by witch hunt perspectives. Of 350 people now in process of deportation or denaturalization or both, the *American Committee for the Protection of the Foreign Born* says more than 90 are 65 years of age or over.

Roy Cohn Put The Screws On Browder

A particularly striking case is that on which the govern-

ment finally launched in the Federal District Court in New York last week against Earl Browder, the former leader of the American Communist Party, and his wife. We first called attention to the indictment in an article "The Man Who Refused to be a Budenz" in our issue of March 7, 1935. The government has been holding a perjury indictment over the heads of the Browders in an effort to turn him into an informer. Roy Cohn several times sent word that all would be well if only Browder would "cooperate."

The case was called for trial when Browder still refused. He has chosen honor and poverty over the financial rewards that might have been his if he had sold his memoirs to the magazines and the government.

The alleged perjury occurred in 1946 when Mrs. Browder applied for American citizenship. They both denied on her application that she had been a member of the American Communist party. This had been certified as a fact two years earlier by the Board of Immigration Appeals (two of whose three members were ex-Federal judges) when she was granted a visa as a quota immigrant. Paul Crouch is now prepared to testify to the contrary.

It should not require much imagination to realize the plight of the Browders. An ex-Communist leader who chooses not to cash in on his past is a lonely figure in cold war America; hatred and suspicion wall him in on both sides. Add Mrs. Browder's long illness and concern for their three sons, all three brilliant mathematicians, and the extent of the blackmail is obvious.

In every American paper and from every American platform one may read and hear that we, unlike *Them*, do not believe the end justifies the means. But the Department of Justice is as unscrupulous as any Communist Ministry of the Interior when it comes to using fear and threat to obtain pliant tools against oppositionists. It is time that vestigial organ, the American conscience, the vermiform appendix of the cold war, gave a few twinges on this subject.

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